

ORIGINAL



0000133682

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

2012 JAN 26 P 1:44

JAN 26 2012

AA CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

IN THE MATTER OF THE APPLICATION OF
UNION PACIFIC RAILROAD COMPANY FOR
APPROVAL TO INSTALL NEW CONSTANT
WARNING TIME DEVICE AT CITY OF TEMPE
QUIET ZONE PROJECT - 13TH ST HIGHWAY.

DOCKET NO. RR-03639A-11-0039

PROCEDURAL ORDER
(Notice of Administrative Closure)

BY THE COMMISSION:

On January 25, 2011, the City of Tempe ("City") filed with the Arizona Corporation Commission ("Commission") an application to obtain approval for the Union Pacific Railroad ("Railroad") to upgrade a crossing at 13th Street with the addition of constant warning time ("CWT") circuitry for an industrial track as part of a quiet zone project.

On February 14, 2011, the Commission's Safety Division, Railroad Safety Section ("Staff") filed a Staff Report and Proposed Order recommending that the City's application be approved.

On May 17, 2011, the City filed a request to postpone Commission consideration of the application. The City stated that it was awaiting a determination from the Federal Railroad Administration ("FRA") whether it would approve a petition for a waiver by the City for the requirement of the installation of CWT circuitry for the industrial track at 13th Street as part of the quiet zone project because it would not be reasonably practical.

On December 22, 2011, the City filed a Motion to Withdraw its application in this proceeding because the FRA had determined that a waiver is not required and that the use of CWT circuitry on the industrial track in this instance is not reasonably practical. This is because the Railroad's main track at the 13th Street crossing is already equipped with CWT circuitry and other automatic warning devices which will insure adequate public safety at the crossing.

On January 24, 2012, Staff filed its response to the City's Motion to Withdraw its application. Staff indicated that it had confirmed that the FRA has found that a waiver is not required and that the

1 installation of CWT circuitry at the industrial track is not necessary under the circumstances and is
 2 not reasonably practical. This was indicated in a copy of a letter from the FRA to the City which was
 3 attached to Staff's response, wherein the letter stated there are additional traffic control devices and
 4 extremely slow train speeds at the industrial track adjacent to the main track at the crossing. Further,
 5 Staff indicated that the withdrawal of the application in this proceeding will not impede the City's
 6 efforts to implement the quiet zone.

7 Accordingly, this docket should be administratively closed.

8 IT IS THEREFORE ORDERED that **the above-captioned proceeding shall be**
 9 **administratively closed.**

10 DATED this 26TH day of January, 2012.


 MARC E. STERN
 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
 15 this 26th day of January, 2012 to:

16 Robert Yabes, Principal Planner
 CITY OF TEMPE
 P.O. Box 5002
 17 31 East 5th Street, Garden Level
 Tempe, AZ 85280-5002

18 Andrew Ching, City Attorney
 CITY OF TEMPE
 19 21 East Sixth Street, Suite 201
 Tempe, AZ 85281-3681

20 Jeff Kaluga Assistant City Manager
 CITY OF TEMPE
 21 31 East Fifth Street
 Tempe, AZ 85281-3601

22 Zoe Richmond, Director of Public Affairs
 UNION PACIFIC RAILROAD COMPANY
 23 631 South 7th Street
 Phoenix, AZ 85034-2203


24 Alex Popovici, Manager
 Industry & Public Projects
 25 UNION PACIFIC RAILROAD COMPANY
 631 South 7th Street
 26 Phoenix, AZ 85034-2203

Anthony J. Hancock
 Terrance L. Sims
 BEAUGUREAU, ZUKOWSKI & HANCOCK, P.C.
 302 East Coronado Road
 Phoenix, AZ 85004-1524
 Attorneys for Union Pacific Railroad Company

Vicki Bever, Manager
 Utility & Railroad Engineering
 ARIZONA DEPARTMENT OF TRANSPORTATION
 205 South 17th Avenue, M/D 618E
 Phoenix, AZ 85007

Janice Alward, Chief Counsel
 Legal Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, AZ 85007

Brian Lehman, Chief
 Railroad Safety Section of the Safety Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, AZ 85007

By: 
 Debra Broyles
 Secretary to Marc E. Stern